



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/957,471	09/21/2001	Kimihiko Nishioka	P 283651

CONFIRMATION NO. 4064

00909  
PILLSBURY WINTHROP LLP  
1600 TYSONS BOULEVARD  
MCLEAN, VA 22102

## FORMALITIES LETTER



\*OC000000006978943\*

Date Mailed: 10/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/23/2001 NROCHA1 00000025 033975 09957471

FILED UNDER 37 CFR 1.53(b)

02 FC:101	740.00 OP
03 FC:102	1092.00 OP
04 FC:103	18.00 OP
05 FC:104	130.00 CH
06 FC:105	130.00 CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1328.
  - \$18 for 1 total claims over 20.
  - \$1040 for 13 independent claims over 3 .
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 2168.**

*A copy of this notice **MUST** be returned with the reply.*

H-T  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility Applications

PATENT  
APPLICATION

COMPLETION Under  
Rule 53(f)

In re PATENT APPLICATION of  
Inventor(s): Nishioka et al.

Attn: Applicati n Divisi n

Appln. No.: 09 | 957,471  
Series Code ↑ | Serial No. ↑

Atty.Dkt. P 283651 | OL97501N-US  
M# | Client Ref

Filed: September 21, 2001  
Title: OPTICAL APPARATUS

Hon. Commisioner of Patents  
Washington,DC 20231

Date: November 21, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **N tice to File Missing Parts** ☒ copy attached ☐ not yet received  
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filling signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.  
2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.  
3. ☐ Specification originally filed in non-English language; hence verified translation attached of:  
a. ☐ Abstract  
b. #  pages of Specification(only spec. & claims)  
c. ☐ Drawing(s)  No of Sheets  
☐ Fig(s).

4. ☐ Letter filing formal drawing attached.  
5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.  
6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in Japan

Application No.	Filing Date	Applicati n No.	Filing Date
(1) 2000-388165	December 21, 2000	(2) 2001-009951	January 18, 2001
(3)		(4)	
(5)		(6)	

9. 2 (No.) Certified copy (copies): ☒ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. 1 filed on \_\_\_\_\_
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fe Code
13. Basic Filing Fee . . . . . Design Application				\$330/\$165		106/26
Not Design Application				\$740/\$370	+740	101/201
14. Total Effective Claims	21	minus 20 =	1	x \$18/\$9	+18	103/203
15. Independent Claims	16	minus 3 =	13	x \$84/\$42	+1092	102/202
16. If <u>any</u> proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$280/\$140	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18.				FILING FEE ENCLOSED =		\$1980
19. Original due date: December 26, 2001						
20. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached				(1 mo) (2mos) (3mos) (4mos)	\$110/\$55 = \$400/\$200 = \$920/\$460 = \$1,440/\$720 =	+0    115/215 116/216 117/217 118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+0	139
22. If "assignment" box 5 is X'd, add recording fee. . . . .				\$40	+40	581
23. Petition Fee for				\$130	+0	
24.				TOTAL FEE ENCLOSED =		\$2020

Our Deposit Account No. 03-3975

Our Order No. 9523

283651

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

1600 Tysons Boulevard  
 McLean, VA 22102  
 Tel: (703) 905-2000

By Atty: Glenn J. PerryReg. No. 28458Sig: 

Fax: (703) 905-2500  
 Tel: (703) 905-2161

Atty/Sec: gjp/dlh

**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**